

STATE OF INDIANA

COUNTY OF HARRISON

IN THE MATTER OF JOINT)
LOCAL CIVIL RULES)

CAUSE NO. 31D01-0710-GO-018
31C01-0710-MI-078

**ORDER FINDING GOOD CAUSE TO DEVIATE
FROM THE SCHEDULE FOR ADOPTING LOCAL COURT
RULES AND REQUEST FOR SUPREME COURT APPROVAL**


The Judges of Harrison County Indiana, according to T.R. 81(D), find that good cause exists to deviate from the schedule established for the adoption or amendment of local court rules for the amendment proposed in the attached "Amended Local Rule." The Harrison county Courts now submit the attached amended Local Rule for consideration and request approval of the Indiana Supreme Court.

Comments may be submitted to: The Honorable Roger D. Davis, Judge of Harrison Superior Court, or The Honorable H. Lloyd Whitis, Judge of the Harrison Circuit Court.

Comments may be made for thirty (30) days after posting pursuant to Trial Rule 81(B).

The proposed revision to the Harrison County Local Court Rule LR31-TR79-29, Appointment of Special Judges, shall take effect after approval by the Indiana Supreme Court and having been posted for comments as indicated above.

SO ORDERED THIS 23 DAY OF OCTOBER, 2007.



ROGER D. DAVIS, JUDGE, HARRISON SUPERIOR COURT



H. LLOYD WHITIS, JUDGE, HARRISON CIRCUIT COURT

LR31-TR79-29

APPOINTMENT OF SPECIAL JUDGES

A. Section H Appointments. In the event it becomes necessary to appoint a special judge under Section H of Trial Rule 79 of the Indiana Rules of Trial Procedure, the judge before whom the case is pending shall send notice of the need of the appointment of a special judge to the Administrative District's assignment judge who shall then make such assignment within five (5) days of receiving said notice.

B. Method of Assignment. The Administrative District's assignment judge shall select special judges from a roster of the available judges in the Administrative District. The assignments shall be in a sequential order beginning with the name of the judge following the last judge so assigned. If, however, because of travel considerations a judge has been passed over or if a judge is otherwise disqualified to hear a particular case, that judge shall be deemed to be the next in sequence until assigned a case.

The assignment judge shall maintain a record of all assignments.

C. Travel Considerations. In making the selection of a special judge, the assignment judge shall consider that travel of more than forty (40) miles in one direction is not an effective use of judicial resources.

D. Roster of Available Judges. The roster of available judges in Administrative District 14 shall be maintained by Court designation in the following sequential order and shall include senior judges as available:

- | | |
|-----------------------|--------------------------|
| (1) Clark Circuit | (10) Harrison Superior |
| (2) Clark Superior #1 | (11) Orange Circuit |
| (3) Clark Superior #2 | (12) Orange County |
| (4) Clark Superior #3 | (13) Scott Circuit |
| (5) Crawford Circuit | (14) Scott Superior |
| (6) Floyd Circuit | (15) Washington Circuit |
| (7) Floyd Superior #1 | (16) Washington Superior |
| (8) Floyd Superior #2 | |
| (9) Harrison Circuit | |

E. Appointment Order. Upon selecting a special judge, the assignment judge shall prepare an Order of Appointment and forward said Order to the judge before whom the case is pending, who shall then sign and enter the Order of Appointment and forward a copy of the Order to the special judge and the attorneys of record.

F. Acceptance of Jurisdiction. The Order of Appointment, when entered by the judge before whom the case is pending, shall constitute acceptance of jurisdiction

by the appointed special judge, unless the judge is otherwise disqualified, and no special appearance, oath or additional evidence of acceptance shall be required.

G. Form of Order. The Order of Appointment shall be in the following form:

IN THE _____ COURT FOR _____ COUNTY

STATE OF INDIANA

(Caption)

ORDER OF APPOINTMENT

Under the provisions of Trial Rule 79(H) of the Indiana Rules of Trial Procedure, the Honorable _____ of the _____ Court of _____ County is hereby appointed to serve as special judge in the above-captioned case.

SO ORDERED THIS _____ DAY OF _____, 20____.

Judge, _____ Court

Assigned this _____ day of _____, 20____.

Administrative District #14
Assignment Judge

H. Implementation of Rule. In the event a selected judge does not accept an appointment to serve as a special judge under the provisions of Sections (C), (D) or (E) of Trial Rule 79 of the Indiana Rules of Trial Procedure, the judge before whom the case is pending shall notify the assignment judge of the need for an appointment of a special

judge under this local rule.

I. Certification To Supreme Court. If, under the provisions of this Rule, no judge is eligible to serve as a special judge in a case, the assignment judge shall notify the judge before whom the case is pending, who shall then certify such fact to the Indiana Supreme Court for the appointment of a special judge.

If the judge before whom the case is pending is of the opinion that the particular circumstances of a case warrants selection of a special judge by the Indiana Supreme Court, said judge shall certify such facts to the Indiana Supreme Court for the appointment of a special judge. Under such circumstance, this Rule shall not be implemented unless the Indiana Supreme Court declines to appoint a special judge.